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No. 201] NEW DELHI, THURSDAY, JULY 30, 1953

ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 20th July 1953

S.R.O. 1468.—Whereas the election of Sardar Waryam Singh, as a member of the Legislative Assembly of the State of Punjab, from the Sirah constituency of that Assembly, has been called in question by an Election Petition duly presented under Part VI, of the Representation of the People Act, 1951 (XLIII of 1951), by Shri Narender Singh, son of Shri Amar Singh Abadi Marhianwala, Batala, District Gurdaspur;

And whereas, the Election Tribunal appointed by the Election Commission, in pursuance of the provisions of Section 86 of the said Act, for the trial of the said Election Petition has, in pursuance of the provisions contained in Section 103 of the said Act, sent a copy of its Order to the Commission;

— Now, therefore, in pursuance of the provisions of Section 106 of the said Act, the Election Commission hereby publishes the said Order of the Tribunal.

BEFORE THE ELECTION TRIBUNAL, JULLUNDUR

ELECTION PETITION No. 194 of 1952

S. Narindar Singh, son of S. Amar Singh, Abadi Marhianwala, Batala, District Gurdaspur—*Petitioner.*

Versus

1. S. Waryam Singh, returned candidate from Sirah constituency, resident of village Bhagowal, Tehsil Batala, District Gurdaspur;
2. S. Gurcharan Singh of village Sirah, Post Office Aliwal, Tehsil Batala, District Gurdaspur;
3. S. Fauja Singh of village Bhagowal, Tehsil Batala, District Gurdaspur;
4. S. Iqbal Singh, B.A., LL.B., village Talwandi Lal Singh, Tehsil Batala, District Gurdaspur;
5. S. Gurbachan Singh, village Rialli, Tehsil Batala, District Gurdaspur;
6. S. Puran Singh, son of S. Bawa Singh, village Dhawan, Tehsil Batala, District Gurdaspur;
7. S. Harbans Singh, village Mahrar, Tehsil Batala, District Gurdaspur—*Respondents.*

RE:—Election Petition by S. Narender Singh, son of S. Amar Singh, Abadi Marhian Wala, Batala, District Gurdaspur, under Sections 81, 100 and 101 of the Representation of the People Act, 1951 for setting aside the election of Sardar Waryam Singh, the returned candidate from Sirah constituency of the Punjab Legislative Assembly on the grounds mentioned in the petition and for a declaration that S. Waryam Singh's election be declared to be null and void and of no effect, and

for a further declaration that the petitioner Narendar Singh has been duly elected from Sirah constituency to the Punjab State Legislative Assembly.

CORAM

Shamsher Bahadur, Esquire, Bar-at-Law—*Chairman*.

Ch. Chhaju Ram, B.A., (Hons.), LL.B., P.C.S.—*Member*.

S. Mohindra Singh Pannun, M.A., LL.M., D.C.P.—*Member*.

JUDGMENT

(PER S. MOHINDARA SINGH PANNUN)

This petition has been filed by S. Narinder Singh, defeated candidate, to challenge the election of S. Waryam Singh, returned candidate, to the Punjab Legislative Assembly, from the Sirah Constituency. The former was an Akali candidate, while the latter was the official nominee of the Congress party. There was a straight contest and S. Narendar Singh, lost to S. Waryam Singh, by a narrow margin of 67 votes. The total number of votes polled was 32,701.

The respondents Nos. 2, 3, 4, 5, 6 and 7 were also duly nominated candidates for this election; but they withdrew their candidatures by the appointed date.

In the petition, the election of S. Waryam Singh, has been challenged on various grounds, including irregularity in the construction of the ballot boxes, the illegality of the orders passed for repolling at four polling stations, *viz.*, Fattehgarh No. 1, Fatteh Garh No. 9, Khara No. 17 and Sarchur No. 25 and corrupt practices of bribery and undue influence committed by respondent No. 1. It was alleged that the ballot boxes were not constructed in accordance with rule 21 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, inasmuch as the ballot papers could be withdrawn from those boxes without tampering with their locks and seals. The petitioner thought that some of the ballot papers cast in his favour were withdrawn and placed in the ballot boxes of respondent No. 1, S. Waryam Singh and this materially affected the result of election. In paragraphs 4 to 10 of the petition it was alleged that the votes cast at the first poll as well as at the repoll on the four polling stations mentioned above were invalid and should not have been counted for the purpose of the result of election inasmuch as the votes cast at the first poll had been rejected by the authorities as invalid and the order of repoll was against law and void. In paragraph 11 of the petition it was alleged that S. Waryam Singh, respondent was guilty of corrupt practice of bribery, as he paid a sum of Rs. 2,000 as illegal gratification for withdrawal of candidature of respondent No. 3, S. Fauja Singh, who belonged to his village and would have split his votes had he remained in the field. It was further alleged that respondent No. 1, bribed the voters of Jaura Singha, Talwandi Bharath, Sarchur in order to secure their votes. In paragraphs 12 and 13 of the petition it was alleged that respondent S. Waryam Singh, obtained assistance of some police men, *lambardars* and *zaildars* and thus committed the corrupt practice of undue influence. In paragraph 14 of the petition the allegations of false personation were made but by his statement, dated 1st December, 1952, the petitioner did not press these allegations.

All the respondents in this case were served, but only respondent No. 1, S. Waryam Singh, contested the petition. A number of preliminary objections were raised and this led to the framing of the following preliminary issues:—

1. Has the election petition not been validly presented?
2. Have full particulars of the illegal and corrupt practices not been given in the petition, and if so, what is its effect?
3. Can no enquiry be made into the matters mentioned in paragraphs Nos 4 to 10 of the petition?
4. Was the petition not presented within time?

All the preliminary issues were disposed of by our order, dated 6th December 1952, which shall be appended as annexure A to this judgment.

On the 8th January, 1953, the petitioner put in an application for review of our order, dated 6th December, 1952. He submitted that the paragraphs Nos. 4 to 10 of the petition should not have been struck off and he may be permitted to lead evidence in regard to the particulars given in those paragraphs. This review application was rejected by our order, dated 5th of February, 1953, which shall be appended as annexure B to this judgment.

The pleadings of the parties gave rise to the following issues on merits:—

1. Were the ballot boxes not constructed in accordance with rule No. 21 of the Representation of the Peoples (Conduct of Elections and Election Petitions) Rules, 1951, as alleged in Para. No. 3 of the Petition, and if so, was the result of the election materially affected thereby?
2. Was the respondent No. 1, Shri Waryam Singh, guilty of the corrupt practice of bribery as alleged in Para. No. 11 of the petition, and if so, what is its effect?
3. Did the respondent No. 1, Shri Waryam Singh himself or by his agents and workers directly and indirectly interfere and attempt to interfere with the free exercise of the right of voting and was he guilty of the corrupt practice of undue influence as alleged in para. No. 12 of the petition?
4. Did the respondent No. 1, Shri Waryam Singh himself and by his agents secure the help of *lambardars* *zaildars* and policemen and was he thus guilty of undue influence as alleged in para. No. 13 of the petition, and if so, what is its effect?
5. To what relief, if any, is the petitioner entitled?

Issue No. 1.—No evidence has been led by the petitioner on this issue and it as not touched during the arguments by his counsel. It is decided against the petitioner.

Issue No. 2.—In paragraph 11 (a) of the petition, read with the list No. 1, it is alleged that S. Waryam Singh paid to Fauja Singh respondent a sum of Rs. 2,000 at Batala on 12th November, 1951, as the price of the withdrawal of the latter's candidature. It was stated in the list that respondent Fauja Singh belonged to the village of respondent No. 1 and as a candidate in the field he would have certainly been the cause of the defeat of respondent No. 1 by splitting his votes. It was further stated in the list that several important persons witnessed this act of bribery; but their names would be disclosed at the trial of the petition.

The petitioner has produced three witnesses, besides himself, in support of his allegation of bribery. Fauja Singh respondent, as P.W. 43, stated that on the date of withdrawal, i.e., 12th of November, 1951, he was present in the Company Gardens, Batala, and that the withdrawal papers were to be filed in the court of the Resident Magistrate, Batala, which is separated from the Company Gardens by a road. Udham Singh and Bishan Dass P.Ws. along with Shingara Singh, Jagat Singh and Sohan Singh *lambardar* went to him. They were followed by respondent Waryam Singh and Ranjit Singh. Fauja Singh's workers Anup Singh and Gurbux Singh were also present there. Udham Singh approached the workers of Fauja Singh with the suggestion that he should withdraw from the contest. Udham Singh and his companions also approached Fauja Singh direct and offered to pay some money as price of his withdrawal. He, however, treated this offer with disdain. Then Udham Singh pressed his workers Anup Singh and Gurbux Singh to effect the withdrawal of the candidature of Fauja Singh. After some bargaining, Anup Singh and Gurbux Singh agreed to the withdrawal of Fauja Singh's candidature on payment of Rs. 2,000. This sum was then passed over to them and on their pressure Fauja Singh signed the withdrawal form and felt obliged to accept the situation brought about by his workers. Fauja Singh stated that he commanded considerable influence in the *Ilaka* and in his own village there were as many as 1,800 voters. In his cross-examination he denied it as wholly incorrect that he was compelled to withdraw his nomination paper because the Congress directed him to do so. The respondent No. 1 confronted him with exhibit R. 1, which was the appeal filed by him before the State Congress Committee against the recommendation of the District Congress Committee for his removal from the membership of the Congress organisation for breach of discipline. Fauja Singh admitted Ex. R. 1 and also exhibit R. 2, the statement which he made before the Congress Tribunal. Exhibit R. 2 is dated 30th October, 1952 and was made long after the institution of this election petition. It is significant that the question of payment of Rs. 2,000 to S. Fauja Singh by respondent No. 1, as admitted by Fauja Singh himself, was agitated before the District Congress Committee very shortly, i.e., 10 or 20 days, after the election and this continued hanging fire before the State Congress Committee for about 7 months after the election. It is obvious that the petitioner was least connected with the forum where this matter remained pending for so long.

P.W. 3 Udham Singh has been produced in support of Fauja Singh, P.W. 43. The version given by him does not tally in details with the statement of Fauja Singh.

He makes no mention of the presence of Anup Singh and Gurbux Singh, workers of S. Fauja Singh, and states that the sum of Rs. 2,000 was paid by respondent No. 1 to Sohan Singh *lambardar* to pass it on to Fauja Singh. He admits to be a distant relation of Fauja Singh. His relations with S. Ranjit Singh, cousin of respondent No. 1, appear to be strained, as the latter procured a warrant against him for nonpayment of land revenue. Proceedings under Section 107 Cr. P. C. have been admitted to be going on between Fauja Singh on one side and Ranjit Singh on the other.

P.W. 4, Bishan Dass is another witness of the petitioner relating to this charge. He claims to be a social worker of the Congress since 1922 and President of the Thana Congress Committee and the Delegate of the District in the Punjab Congress Committee at the time of last elections. In his statement he also makes no mention of the presence of Anup Singh and Gurbux Singh, workers of Fauja Singh, in the Company Gardens, Batala, and deposes that Rs. 2,000 were passed on in his presence by respondent No. 1 to *lambardar* Sohan Singh.

It has been urged on behalf of the petitioner that Fauja Singh respondent's evidence should not be brushed aside as that of an accomplice. He is a respectable person and has been a Congress Panch for a long time. No action has been taken against him even by the Congress on the report of the District Congress Committee of which respondent No. 1 is President. He staked his political future by coming into witness box and admitting the ignoble part played by him leading to the withdrawal of his candidature. In these circumstances the halting and hesitating nature of his statement and an attempt to throw the blame partially upon his workers can be understood. It is further urged that P.W. 3 and P.W. 4 are responsible Congress men without having any connection with the petitioner and grudge against respondent No. 1. Much emphasis has also been laid on the fact that the question of this bribery was raised at a very early opportunity before the Congress Organization with which the petitioner was not at concerned. On the other hand it has been contended by the respondent No. 1's counsel that the names of the two witnesses, Bishan Das and Udharn Singh, were not mentioned in the list of particulars annexed to the petition in spite of the fact that the petitioner admits that he was informed of this incident by them before the filing of the election petition. It has been urged by the respondent No. 1's counsel that Bishan Das and Udharn Singh who were instrumental in fructification of this incident of bribery, are no less than accomplices and, therefore, their statements are hardly of any value to corroborate the statement of Fauja Singh. We have gone carefully through these statements and find that they are insufficient to bring home the charge of bribery to respondent No. 1. The unchallenged statement of Fauja Singh that this matter remained pending before the Congress organization for about seven months after the election creates a strong suspicion that the alleged bribery is not a pure figment of imagination of the petitioner and the respondent No. 1, having a strong motive to effect the withdrawal of Fauja Singh at any cost, may have had something to do with it; but the charge of corrupt practice is of a quasi criminal nature and it must be substantiated by production of evidence which leaves no manner of doubt about it. Giving therefore, the benefit of doubt to respondent No. 1, we hold that the charge of bribery mentioned in para. 11 (a) of the petition remains unproved.

In para. 11(b) of the petition the allegations of payment of bribe relate to the voters of three villages, namely Jaura Singh, Talwandi Bharath and Sarchur. No evidence has been produced so far as the payment of bribe to the voters of village Sarchur is concerned. The allegation relating to that village must, therefore, fail.

No particulars of the payment of bribe to voters of Jaura Singha were either given in the election petition or in the list No. 1 annexed to it. It was mentioned in the list No. 1 that the matter was pending before the village Panchayat. The petitioner has produced Jamadar Sohan Singh, Sarpanch of the village Panchayat, in this court. Jamadar Sohan Singh laid before us the judicial file relating to a case *Sher Singh Vs. Pira*. The facts of that case are given in the plaint exhibit P.W. 5/1, which was presented to the Panchayat on 16th April, 1952. In exhibit P.W. 5/1 it was stated that Rs. 14 had been kept as earnest money by respondent No. 1 with Pira in consideration of Mazhbi votes of Jaura Singha being cast in favour of respondent No. 1. A dog was to be purchased for the Mazhbis of this village with this sum. Pira had paid Rs. 50 out of this amount but declined to pay the balance of Rs. 85. Sher Singh was thus obliged to bring this matter before the village Panchayat to enforce the liability of Pira. During the proceedings before the Panchayat, the statements of the parties were recorded on the 31st of May, 1952. Exhibit P.W. 5/2 is the

statement of Sher Singh, while exhibit P.W. 5/3 is the statement of Pira. The statement of Dip Chand shop-keeper is exhibit P.W. 5/4. Later, on 27th of July, 1952, the parties recorded a compromise to the effect that the sum retained by Pira had been realized and the *deg* had been purchased. Exhibit P.W. 5/5 is the compromise deed on the basis of which the Panchayat passed the order exhibit P.W. 5/6 allowing the compromise. Besides Jamadar Sohan Singh, P.W. 22 Sher Singh and P.W. 23 Hazara Singh *lambardar* and Congress Panch were produced by the petitioner to substantiate his allegation. It was urged on behalf of the petitioner that Jamadar Sohan Singh was Sarpanch of the village Panchayat, since 1923, and also a member of the District Congress Committee and Congress Panch. In cross-examination he admitted to have personal knowledge of the transaction embodied in the plaint exhibit P.W. 5/1. It was vehemently urged that Jamadar Sohan Singh was an elected judicial officer and a public servant under Section 76 of the Punjab Village Panchayat Act. He maintained the records of the Panchayat and the documents coming from his proper custody had a presumption about their genuineness. There was no reason why the Panchayat should have been instrumental in fabricating evidence in support of the case of the petitioner. In rebuttal the respondent No. 1 has produced Kharaiti Ram, who is alleged to have signed the compromise-deed exhibit P.W. 5/5, R.W. 23 Pira, against whom the suit was brought before the Panchayat, and R.W. 24 Dip Chand shop-keeper. All of them stated that the allegation that respondent No. 1 bribed the Mazhbi voters of Jaura Singha is false and that Jamadar Sohan Singh, out of revengeful spirit created evidence just to support the election petition of S. Narindar Singh. Though Jamadar Sohan Singh is a respectable person yet it seems that his relations with respondent No. 1 were not cordial and his evidence will have to be read with caution. Notice exhibit R.W. 30/4 was served on Jamadar Sohan Singh to show cause why disciplinary action should not be taken against him, as he had opposed the Congress candidate S. Waryam Singh during the election. This indicates that relations of Jamadar Sohan Singh were far from cordial with S. Waryam Singh. The evidence of Sher Singh and Hazara Singh is of interested nature. It must, therefore, be held that the petitioner has failed to prove that the voters of Jaura Singha were bribed by respondent No. 1.

In regard to Talwandi Bharath incident, the Judicial file exhibit P.W. 1/1 relating to the case of Sadhu Singh *versus* Gurbachan Singh was produced before us by P.W. 1 S. Harbans Singh, Sarpanch of the Village Panchayat. Gurbachan Singh, respondent in that case was produced as P.W. 2. According to him, respondent No. 1 came to the village Talwandi Bharath and approached him and Sadhu Singh to get votes for him in the election. They demanded Rs. 200 in consideration of their support but ultimately the bargain was struck at Rs. 100, which sum the respondent No. 1 promptly paid. They were to secure in return for this sum about 50 votes for respondent No. 1. The amount of Rs. 100 was to be divided half and half between Sadhu Singh and Gurbachan Singh. Sadhu Singh was, however, paid Rs. 25 out of his share and after pressing a number of times for the balance, he was forced to bring the suit for the recovery of balance of Rs. 25 against Gurbachan Singh before the village Panchayat. When summoned before the Panchayat, Gurbachan Singh admitted his liability and a decree for Rs. 25 was passed against him.

In rebuttal, respondent No. 1 has produced R.W. 34 Jogindar Singh and R.W. 35 Charan Singh. They stated that S. Harbans Singh, Sarpanch was related to the petitioner and he approached them for fabrication of evidence to support the election petition of S. Narindar Singh. They were asked to persuade Sadhu Singh and Gurbachan Singh to make out the story narrated above. While Jogindar Singh says that Sadhu Singh and Gurbachan Singh belonged to his party and on his persuasion they agreed to institute the case before the village Panchayat, Charan Singh R.W. contradicts him on that point saying that neither he nor Jogindar Singh R.W. asked Sadhu Singh and Gurbachan Singh to create false evidence. Both Jogindar Singh and Charan Singh have further stated that about a fortnight before their appearance in court, i.e. in June 1953 S. Waryam Singh respondent went to their village and in their presence Sadhu Singh and Gurbachan Singh admitted themselves to be parties to the false case before the Panchayat. The evidence of Jogindar Singh and Charan Singh produced by respondent No. 1 is contradictory and hardly worthy of credence, but we have to see whether the evidence of the petitioner stands on its own legs and is sufficient to bring home the charge to respondent No. 1. We have carefully gone through this evidence and do not think that the charge of bribery to the Mazhbi voters of Talwandi Bharath stands proved on the record.

In view of the above discussion and findings, issue No. 2 is found in the negative.

Issue No. 3.—The allegations against Kharaiti Ram and S. Waryam Singh at serial numbers 1 and 4 of list No. 2 referred to in para 12 of the petition were not pressed, and accordingly they fail.

The questions for determination are whether Sub-Inspector Janmeja Singh, then S. H. O. Batala Saddar Police Station, along with S. Mohindar Singh of Rangar Nangal exercised undue influence over the voters of two villages Bura Nangal and Rangar Nangal on 10th January 1952, and that Mehta Baldev Datt, A. S. I., then attached to the Saddar Police Station Batala, put undue pressure upon voters in favour of respondent No. 1 at Bajuman on 11th of January, 1952.

P.W. 29 Tara Singh, P.W. 30 Teju, P.W. 31 Buta, P.W. 32 Gura, P.W. 33 Bahadur Singh, P.W. 34 Sohan, P.W. 41 Shingara Singh and P.W. 42 Udho have been produced by the petitioner to show that S. Janmeja Singh went to Bura Nangal and forcibly impressed upon the voters of that village to vote for the Congress candidate adding that they would be severely dealt with for their failure to do so. They deposed that they were taken to the polling station next day by Mohindar Singh of Rangar Nangal, who came on the Sub-Inspector's horse to their village, and asked them to vote for S. Waryam Singh. It is significant that no complaint in writing was made against this Sub-Inspector by the petitioner or by any of his workers. The statements of the witnesses are also discrepant in material particulars. The charge against S. Janmeja Singh, Sub-Inspector that he rendered assistance to S. Waryam Singh therefore, fails.

The evidence against Mehta Baldev Datt, A.S.I. is documentary as well as oral. P.W. 6 Nimbu, P.W. 7 Pritu, P.W. 8 Swarna, P.W. 9 Tara Singh, P.W. 24 Narainun and P.W. 25 Fauju of village Bajuman, P.W. 10 Santu, P.W. 11 Sheru, P.W. 12 Teju, and P.W. 13 Arju of Shiekhpur, P.W. 18 Teja Singh, P.W. 19 Amar Singh, P.W. 20 Bhagtu and P.W. 21 Dharam Singh of Sarupwali have been produced to show that Mehta Baldev Datt, A.S.I. along with some *lambardars* intimidated and exercised pressure on voters of these villages and compelled them to vote for the Congress candidate against their wishes. Harnam Singh P.W. 28 of village Shiekhpur deposed that he submitted application exhibit P.W. 27/1 to the Deputy Superintendent of Police at Batala on 12th January 1952, against the interference in election by A.S.I. Mehta Baldev Datt. P.W. 27 Mela Ram, Record Keeper, Superintendent of Police's Office, produced the original application exhibit P.W. 27/1, and P.W. 26 S. Surrindar Pal Singh, District Inspector of Police, conducted the enquiry into the allegations made in exhibit P.W. 27/1.

In rebuttal of this evidence the respondent No. 1 has produced Mehta Baldev Datt as R.W. 5. He controverted all the allegations made against him. He stated that Harnam Singh P.W. had a row with him outside the polling station Bajuman as he was prevented from misbehaving. He brought the matter to the notice of the Presiding Officer Shri E. F. Barlow, who warned Harnam Singh not to act in that manner in future. It is significant that though enquiry was held against Mehta Baldev Datt yet no action was taken against him on the complaint of S. Harnam Singh. As to the conduct of Mehta Baldev Datt, the statement of Shri E. F. Barlow as R.W. 38 cannot be ignored. He states that Mehta Baldev Datt was attached to him for three weeks during the elections when he worked as a presiding officer. He added that to the best of his judgment the behaviour and conduct of Shri Baldev Datt A.S.I. was above reproach. During the course of enquiry by S. Surrindarpal Singh, the written complaint exhibit P.W. 27/1 was shown to Mr. Barlow and he made statement exhibit R.W. 37/1 in regard to the allegations made therein. This statement exonerates Mehta Baldev Datt.

In view of the above discussion we are of the view that the charge of exercising undue influence by Mehta Baldev Datt in favour of respondent No. 1 stands unproved, on record. **Issue No. 3 is, therefore, decided against the petitioner.**

Issue No. 4.—The question for determination is whether *lambardar* Sohan Singh of Qilla Lal Singh, *lambardars* Gurdial Singh and Gurdit Singh of Bajuman and *lambardar* Surat Singh, *ex-Zaildar* of Marar, rendered assistance to respondent No. 1 in order to further his prospects in election within the scope of Section 123(8) of the Representation of the People Act, 1951. It is alleged in para 13 of the petition that the respondent S. Waryam Singh had himself and through his agents secured the assistance of *lambardars*, *Zaildars* and other employees of the State Government for furtherance of the prospects of his election. In the connected list No. 3, there are definite allegations against the *lambardars* of Qilla Lal Singh, Bajuman and Marar.

In regard to the activities of Sohan Singh *lambardar* of Qilla Lal Singh, P.W. 35 Harnaman, P.W. 36 Bhana, P.W. 37 Ratti, P.W. 38 Amar Singh, P.W. 39 Bahadur Singh and P.W. 40 Charan Singh have been produced. All these witnesses belong to village Dhadiyal Natt and state that *lambardar* Sohan Singh approached them a number of times and intimidated them to vote in favour of respondent No. 1.

In rebuttal respondent No. 1 has produced R.W. 13 Gutta, R.W. 14 Palla, and R.W. 15 Narain Singh. They deny that Sohan Singh *lambardar* ever canvassed in favour of respondent No. 1 for votes in village Dhadiyal Natt.

On careful consideration of the entire evidence we do not think that the charge of the assistance by Sohan Singh *lambardar* to S. Waryam Singh, respondent stands proved.

P.W. 6 Nimbu, P.W. 8 Swarna, P.W. 9 Tara Singh, P.W. 24 Narainun, and P.W. 25 Fauju depose that *lambardars* Gurdial Singh and Gurdit Singh went to village Bajuman on the eve of the polling day and canvassed in favour of S. Waryam Singh respondent. They further warned the voters that if they persisted in their intention to vote for the Panthic candidate, they would be severely dealt with.

In rebuttal R.W. 9 and R.W. 10 have been produced and they deny these allegations.

The petitioner in his statement in this court deposed that the polling agent form exhibit P.W. 45/1 bears the signatures of *lambardar* Gurdial Singh and these signatures tally with the admitted signatures on the back of the summons exhibit P.W. 45/2. The position taken up by the respondent No. 1 is that signatures on the polling agent form exhibit P.W. 45/1 are not those of *lambardar* Gurdial Singh but of another Gurdial Singh. He says that three Gurdial Singhs used to work for him in the election and it is not possible for him at this distance of time to say definitely as to which of those three Gurdial Singhs signed the polling agent form exhibit P.W. 45/1. The counsel for the petitioner pointed out that in the list of witnesses put in by respondent No. 1 in court he had mentioned two Gurdial Singhs of Bajuman, one at No. 9 and the other at No. 48. One mentioned at No. 9 was produced in this court as R.W. 21 and he denied the allegations against him and also disclaimed his signatures on exhibit P.W. 45/1. Gurdial Singh mentioned at No. 48 of the list as well as another Gurdial Singh mentioned at No. 57 of the list, were given up by the respondent No. 1 and were not produced in court. It was contended by the learned counsel for the petitioner that the statements of respondent No. 1 and R. W. 21 Gurdial Singh about the denial of the signatures of the latter on exhibit P.W. 45/1 were false. The respondent No. 1 wanted to produce some other Gurdial Singh to claim his signatures on exhibit P.W. 45/1 and for that reason he included two persons of that name at No. 48 and 57 of the list but he gave them up as probably those persons did not agree to give false evidence. It is urged that Gurdial Singh R.W. 21 admitted that his maternal relations are at Bhagowal, village of respondent No. 1. The respondent No. 1 was chary of admitting this fact and pleaded ignorance about it. R.W. 5 Mehta Baldev Datt, states that he came to know of *lambardar* Gurdial Singh on the polling day at Bajuman. It is an admitted fact that the polling station was located in the Balhak of *lambardar* Gurdial Singh. The evidence of the petitioner on this point discussed above cannot be easily ignored and it leaves a strong suspicion in our mind that *lambardar* Gurdial Singh helped respondent No. 1 in his election. There is no evidence against *lambardar* Gurdit Singh and the charge in regard to him completely falls.

As regards the assistance rendered by S. Surat Singh *lambardar* of Marar to respondent No. 1. P.W. 14 Swaran Singh, P.W. 15 Tara Singh, P.W. 16 Indar Singh and P.W. 17 Mohindar Singh of village Marar have appeared before us. It is stated by them that they as well as their near relations and dependents were inclined to vote for the petitioner but *lambardar* Surat Singh approached them in favour of S. Waryam Singh and compelled them to vote for him on threat, of expulsion from the village. It is admitted by these four witnesses that due to the pressure of S. Surat Singh, they actually voted for respondent No. 1. This point has not been challenged in their cross-examination and the counsel for the petitioner emphasized that in view of their having voted for respondent No. 1 at the time of election their evidence carries a great weight. It has been further pointed out that the statements of these witnesses that they voted for respondent No. 1 could be checked and verified by

making reference to the record. The respondent No. 1 has made no attempt to challenge their statements by asking this Tribunal to inspect the record of voting. The polling agent form exhibit P.W. 45/1-A, according to the particulars filled therein, shows that S Waryam Singh had appointed Surat Singh as his polling agent. It was mentioned in the list No. 3 annexed to the petition that Surat Singh *lambardar* acted as the polling agent of S. Waryam Singh respondent. The reply to para No. 13 of the petition and list No. 3 in the written statement of respondent No. 1 is very brief and a bare denial of the particulars therein. It is not stated in so many words that Surat Singh, did not act as the polling agent of respondent No. 1 nor is there any indication to show that the polling agent form, whereby Surat Singh purports to have been appointed as polling agent of respondent No. 1, was signed by some person other than Surat Singh.

On 20th of May, 1953, the date of the commencement of the evidence of the petitioner at the trial of this petition, respondent No. 1 through his counsel admitted all the polling agent forms, including exhibit P.W. 45/1-A. The petitioner at the close of his evidence definitely stated that S. Surat Singh was the polling agent of S. Waryam Singh, and being familiar with his hand-writing, he identified Surat Singh's signatures on exhibit P.W. 45/1-A. He also stated that the signatures on exhibit P.W. 45/1-A, tallies with the signatures on the summons exhibit P.W. 45/3, which he got signed personally from Sardar Surat Singh. It is significant that not a single question was put in the cross-examination of the petitioner to challenge his statement that Surat Singh acted as a polling agent of respondent No. 1 and signed the form exhibit P.W. 45/1-A. The counsel for the petitioner urges that from the lack of cross-examination on this point we should infer that respondent No. 1 admitted these facts at the time when the statement was made by the petitioner before this court and his belated version that signatures on exhibit P.W. 45/1-A, are those of Sewa Singh is an afterthought. In this connection he has invited our attention to the following observations of the Commissioners in Amritsar City (Mohammadan) Constituency case No. 2 appearing in Doabia's Indian Election Cases, Volume II at page 169:—

"It was held in A.I.R. 1935 that "When the defence falls to cross-examine the prosecution witnesses concerning the version of the facts which the defence alleged, it is usually safe to conclude that the defence is an afterthought and in fact had not even been concocted at the time when the prosecution witnesses were examined." We find it further in Phipson's Law of Evidence, 6th edition, 473 that "A party should put to each of his opponent's witnesses in turn so much of his own case as concerns that particular witness or in which he had a share, e.g., if the witness has deposed to a conversation, the opposing counsel should indicate how much he accepts of such version, or suggest to the witness a different one. If he asks no questions, he will generally be taken to accept the witness's account."

In rebuttal of the petitioner's evidence on this point R.W. 1 Bhan Singh, R.W. 2 Budh Singh, R.W. 7 Sher Singh, R.W. 8 Ranga Singh and R.W. 26 Surat Singh have appeared before us. S. Surat Singh *lambardar* admits to have worked as a *Zaildar* of Marar Zail from 1930 to 1946. This Zail is a part of Sirah constituency. In 1947 he was involved as an accused in a murder case and for that reason he was suspended from *Zaildari*. He admits that he continues to be a *lambardar* of village Marar. He is also a Sarpanch of the village Panchayat of Marar constituted under the Punjab Village Panchayat Act. He is an elected member of the S.G.P.C. since 1946. He admits that he has been an active worker of the Congress party for the last 4 or 5 years. His brother-in-law S. Gurbachan Singh respondent in this petition was also a duly nominated candidate but he withdrew his candidature on the appointed date as he was not given the Congress ticket. While in the witness box it was rather difficult to make him confine his answers to the questions put to him, as he seemed anxious to plead the cause of respondent No. 1 by throwing out voluntary suggestions here and there. He stated that on 9th of June 1953 he went to the court of the District and Sessions Judge, Jullundur along with respondent No. 1 and was shown the summons by the Ahlmad of that court. He refused to accept the service, as according to him the amount of diet money etc. deposited by the petitioner was inadequate. Immediately after making this statement he turned a somersault and stated that he had gone to Jullundur with the petitioner and not with respondent No. 1. It is incomprehensible that a person who could go all the way to Jullundur with the petitioner would refuse to accept the service of the summons there for the reason that the diet money etc. deposited by the petitioner fell a little short of the amount which he expected. That shows the absurdity of his statement that he accompanied the petitioner to

Jullundur. While appearing as a witness for respondent No. 1 he admitted to have appeared before the Tribunal without his service being effected. That shows his relationship qua respondent No. 1 on one side and the petitioner on the other. When asked whether he sat with respondent No. 1 outside the court on the day before he appeared before the Tribunal, he replied, "I do not remember." This is a fact which could not have been difficult for him to recollect. It shows that this witness has little regard for truth. It has been admitted by some of the petitioner's witnesses that Surat Singh owns land at village Kot Ahmad Khan also. But the respondent No. 1 and his witnesses have been over-zealous to show that he had completely left Marar, the place where he admittedly owns a house and land, on shifting to Kot Ahmad Khan 4 or 5 years ago. It is difficult to believe that Surat Singh had nothing to do with Marar, village of which he is the Sarpanch. R.W. 1 Bhan Singh, R.W. 2 Budh Singh and R.W. 8 Ranga Singh went whole hog to support the version expected of them by respondent No. 1 but in their unguarded moments they made admissions which are very damaging to the case of respondent No. 1. Bhan Singh admitted that he was a *chaukidar* and as such a Government servant. He convened a meeting and asked the gathering to support the Congress candidate, who was no other than S. Waryam Singh respondent. R.W. 2 Budh Singh corroborates him on this point and adds that he and Bhan Singh *chaukidar* canvassed the voters individually also to support the Congress candidate. R.W. 8 Ranga Singh completely lets the cat out of the bag by stating in unambiguous terms that the *chaukidars* and *lambardars* of his village Marar were helping the Congress candidate. The learned counsel for the petitioner has quoted observations of the Commissioners in Amritsar City (Mohamedan) Constituency case reported at page 117 of Indian Election Cases Doab volume II, to reinforce his argument that these admissions alone were sufficient proof of corrupt practices indulged in by respondent No. 1. We have considered the entire evidence of the parties on this point carefully and have not the least doubt in our minds, particularly in view of the admissions made by respondent No. 1's own witnesses, that *lambardar* Surat Singh worked for respondent No. 1 during the election and rendered him whatever assistance he could. It is difficult to imagine that respondent No. 1 was not aware of the assistance obtained by him from Surat Singh.

In view of the above discussion, we find that respondent No. 1 S. Waryam Singh obtained assistance from *lambardar* Surat Singh for the furtherance of the prospects of his election and this is a corrupt practice within the meaning of Section 123(8) of the Representation of the People Act, 1951. Issue No. 4 is found against the respondent No. 1 to the extent mentioned above. In other respects it fails.

It has been held by us that respondent S. Waryam Singh obtained assistance from *lambardar* Surat Singh for furtherance of the prospects of his election and thereby committed major corrupt practice under Section 123(8) of the Representation of the People Act, 1951. This finding is sufficient to avoid his election. We, therefore, declare his election to be void under Section 98 read with section 100(2) (b) of the said Act. It seems that respondent No. 1 little realized the serious consequences of obtaining assistance from *lambardar* Surat Singh and normally we would not like to disqualify him for membership of the State Legislature, but the provisions of Section 140 of the Representation of the People Act are mandatory and we have no discretion in the matter. Accordingly it is further ordered that S. Waryam Singh shall be disqualified for membership of the Legislature of every State for a period of six years with effect from today.

The petitioner, in addition to calling in question the election of the returned candidate S. Waryam Singh, claimed that he himself be declared to have been duly elected from this constituency. We see no grounds for making such a declaration and reject the prayer of the petitioner in this respect.

Taking into consideration all the circumstances of the case and also the fact that respondent No. 1 has incurred disqualification for membership of the State Legislature, we would leave the parties to bear their own costs.

Announced.

The 30th June, 1953.

(Sd.) M. S. PANNUN, Member.

I agree.

The 30th June, 1953.

(Sd.) CHHAJU RAM, Member.

I agree.

The 30th June, 1953.

(Sd.) SHAMSHER BHADUR, Chairman.

ANNEXURE 'A'

BEFORE THE ELECTION TRIBUNAL, JULLUNDUR

ELECTION PETITION No. 194 of 1952.

S. Narindar Singh Versus S. Waryam Singh and others.

ORDER

(PER MOHINDRA SINGH PANNUN, Member, Election Tribunal)

S. Narindar Singh has brought this election petition alleging that he and the respondent No. 1 S. Waryam Singh contested the seat for the Punjab State Legislative Assembly from Sirah Constituency, that the respondents Nos. 2 to 7 withdrew from the contest, that there was a straight contest between him and the respondent No. 1 S. Waryam Singh, that the polling took place on different dates in January, 1952, and the counting of the votes took place on 1st February, 1952, when the returning Officer declared that the petitioner had got 16,317 valid votes while the returned candidate S. Waryam Singh secured 16,384 votes, that the ballot boxes which were provided for placing the voting papers were not constructed in accordance with rule No. 21 of the Representation of the People Act, 1951, that he (the petitioner) has reason to believe that some of the ballot papers which were cast in his favour were withdrawn and placed in the ballot boxes of the respondent S. Waryam Singh and that the result of the election was materially affected, that there was material irregularity regarding the polling which adversely affected the election result against the petitioner, that the Presiding Officer made some mistakes regarding the issue and marking of ballot papers, which made the ballot papers invalid, that the counting of votes has not been properly done, that the respondent S. Waryam Singh and his supporters approached the higher authorities and got the original order of the Election Commission cancelled, that repoll was then ordered for the 25th January, 1952, regarding the polling stations Fateh Garh No. 1, Fateh Garh No. 9, Khera No. 17 and Sarehur No. 25, that the petitioner was thus greatly prejudiced as he could not within the very limited time at his disposal approach the voters who had cast their votes for him at the first poll, that the re-poll on 25th January, 1952, was against law and the election result was materially affected thereby to his prejudice, that the respondent S. Waryam Singh was guilty of the corrupt practice of bribery mentioned in para. No. 11 of the petition, that the respondent by himself and by agents and workers was guilty of the corrupt practice of undue influence, that he (S. Waryam Singh respondent) by himself and by his agents secured the help of lambardars, Zaildars, and policemen and was thus guilty of undue influence mentioned in para. No. 13 of the petition, that the respondent was also guilty himself and through his agent Gurmej Singh of false personation mentioned in para. No. 14 of the said petition. On the allegations given above the petitioner prays that the election of the respondent S. Waryam Singh be declared to be null and void and of the effect, and that he (the petitioner) be declared to have been successfully elected.

Except respondent No. 1 no other respondent came forward to oppose this petition. The respondent S. Waryam Singh raised preliminary objections that the petition had not been validly presented, that full particulars of the illegal and corrupt practices had not been given in the petition, that no enquiry could be made by the Election Tribunal into the matters mentioned in paragraphs Nos. 4 to 10 of the petition, and that the petition was not presented within time. These preliminary objections gave rise to the following preliminary issues:—

1. Has the election petition not been validly presented?
2. Have full particulars of the illegal and corrupt practices not been given in the petition, and if so, what is its effect?
3. Can no enquiry be made into the matters mentioned in paragraphs Nos. 4 to 10 of the petition?
4. Was the petition not presented within time?

The learned counsel for the respondent did not press preliminary issues Nos. 1 and 4. He did not adduce any evidence in respect of the preliminary issues.

Issues Nos. 1 and 4.—As these issues were not pressed by the learned counsel for the respondent, these are decided against the respondent.

Issue No. 3.—We have carefully considered the allegations given in paragraphs Nos. 4 to 10 and find that these allegations are vague and it has not been mentioned what rules were violated and in what manner the petitioner was prejudiced. As the allegations contained in these paras. are extremely vague, it is not possible for us to go into these points and therefore on a careful consideration of the allegations we are not satisfied that there are sufficient grounds for us to determine

these questions. Under Section 58 of the Representation of People Act 1951 whenever a returning Officer finds that the polling at any polling station has become void, he shall report the matter to the appropriate authorities and to the Election Commission and shall with the previous approval of the Election Commission appoint a day for the taking of a fresh poll in such polling station and fix the hours during which the poll will be taken. It has further been provided that in every such case the returning Officer shall take a fresh poll on the day so appointed by him and shall notify the day so appointed and the hours of polling so fixed in such manner, as the Election Commission may direct. There are no allegations to show how or in what manner the returning Officer did not follow these instructions and there is nothing to suggest how he acted beyond his powers. In the circumstances it follows that the returning Officer acted in compliance with the Rules. It was for the petitioner to show specifically how the returning Officer acted improperly and definite facts should have been given in this connection. This has however not been done, and therefore, there are not sufficient grounds for us to go into these indefinite allegations. We, therefore, hold that in the face of the facts and circumstances given above no enquiry can be made into the matters mentioned in paragraphs Nos. 4 to 10 of the petition.

Issue No. 2.—The learned counsel for the respondent No. 1 contends that full particulars of the illegal and corrupt practices have not been given in paragraphs Nos. 3, and 11 to 14 of the petition. The learned counsel for the petitioner in his statement dated 1st December, 1952, did not press the allegations made by the petitioner in para. No. 14 of the petition, and list No. 4 annexed to the petition.

We have in the circumstances now to consider whether full particulars of the illegal and corrupt practices have not been given in paras. No. 3 and 11 to 13 of the petition. On a careful perusal of para. No. 3 of the petition it would appear that the allegations given by the petitioner therein are quite clear and definite and there is no vagueness about them. In the petition in the said para. it has been clearly mentioned that the ballot boxes were not constructed in accordance with Rule No. 21 of the Representation of the People Act (Conduct of elections and election petition Rules) 1951, and that the ballot papers could be withdrawn from the boxes without the boxes being unlocked and without the seals being broken and that some of the ballot papers which were cast in his favour were withdrawn and placed in the ballot boxes of the respondent S. Waryam Singh and this had materially affected the result of the election. We have carefully considered the allegations given in paragraphs Nos. 11 to 13 of the petition and when these allegations are read together with the contents of the list mentioned in the said paras we are of opinion that the allegations of the illegal gratification or corrupt practices are not so vague as to entail the rejection of the allegations contained in these paras. We shall be careful at the time of recording the evidence to see that no new material is introduced by the petitioner while adducing evidence in respect of these allegations. The learned counsel for the respondent could not show that we could reject the allegations mentioned in the said paragraphs of the petition and for the reasons given above by us, we are unable to hold that the full particulars of the illegal and corrupt practices have not been given. The preliminary issue is decided against the respondent.

The 6th December, 1952.

(Sd.) M. S. PANNUN, Member.

I agree.

The 6th December, 1952.

(Sd.) CHHAJU RAM, Member.

I agree.

The 6th December, 1952.

(Sd.) SHAMSHER BAHADUR, Chairman.

ANNEXURE 'B'

BEFORE THE ELECTION TRIBUNAL, JULLUNDUR

ELECTION PETITION No. 194 of 1952.

S. Narindar Singh Versus S. Waryam Singh and others.

ORDER

PER S. MOHINDRA SINGH PANNUN, Member, Election Tribunal.

This is an application, purporting to be under Order 47 Rule 1 and Section 151 of the Civil Procedure Code, for review of our order, dated 6th December, 1952, on the preliminary issues. A number of grounds were taken in the application,

but at the time of arguments the learned counsel for the petitioner confined himself to the contention that there was an error of law apparent on the face of the order sought to be reviewed inasmuch as the particulars of corrupt and illegal practices only were to be mentioned in the petition under Section 83 of the Representation of the People Act, 1951, while the order was based on the assumption that it was also necessary to give definite facts regarding allegations of non-compliance with the provisions of the said Act, or rules or orders made thereunder. For these reasons, and also as no appeal is competent from our order, dated 6th December, 1952, he prayed that our said order in regard to issue No. 3 be set aside and the petitioner be allowed to adduce evidence in regard to allegations contained in paragraphs 4 to 10 of the election petition. He submitted that this Tribunal has inherent powers to review its order. On the other hand, the learned counsel for respondent No. 1 argued that there was no ground whatever for review of our order, and in fact, we are not competent to review our order.

The respondent No. 1 had raised, *inter alia*, the following preliminary objection in his written statement;

"In the absence of any plea or indication in the petition about the non-compliance with the provisions of law and the facts showing that the result of the election has been materially affected thereby, as laid down in sub-section (2)(c) of Section 100 of the Representation of the People Act, 1951, no enquiry can be made into the matters mentioned in paragraphs 4 to 10 of the petitioner."

This objection had given rise to issue No. 3, *viz.*, "Can no enquiry be made into the matters mentioned in paragraphs 4 to 10 of the petition?" We decided this issue in favour of respondent No. 1 in our order, dated 6th December, 1952.

The learned counsel for the petitioner has taken us again through paragraph 4 to 10 of the election petition. He more or less admitted that we shall have to look elsewhere in the petition to find out what the "material irregularity" mentioned in paragraph 4 was; that the introductory words "It was stated" occurring at the commencement, and "It appears" used about the middle of paragraph 5, making the allegations therein equivocal and indefinite, should not have been there; that the words "highest authority i.e. Election Commission" appearing in paragraph 6 were probably written by mistake instead of some other authority in as-much-as no order of the Election Commission was relied upon; that in paragraph 7, the first prayer for exclusion of votes of persons, who voted at the first poll, was redundant inasmuch as they had already been excluded by the authorities concerned and no party to the petition had taken objection to this, and that the second prayer for exclusion of the votes cast at the re-poll hung in the air in as much as no ground therefore preceded the prayer; that in paragraph 8, which is also prefaced by the words "It appears", the words "order of the Election Commission" should be read as the order of some other authority mentioned in paragraph 5; that there is no law under which notice of repoll to the petitioner could be held insufficient for the reasons given in paragraphs 8 and 9; and that no facts had been given in paragraphs 8 to 10, on the basis of which it could be held that the order of repoll was against the provisions of Section 58 of the Representation of the People Act, 1951, or any other law. The learned counsel, however, contended that, even as it is, he should be allowed to lead evidence in regard to paragraphs 4 to 10 of the petition. He urged that under Section 83 of the Representation of the People Act, 1951, the particulars of corrupt and illegal practices only and not those of other irregularities and illegalities were required to be given; and as there had been no non-compliance with the provisions of the said Section 83, we could not reject, at the preliminary stage, the allegations contained in paragraphs 4 to 10 of the election petition.

The sum and substance of paragraphs 4 to 10 of the election petition is that the votes cast at the first poll as well as at the repoll on four polling stations, *viz.*, Fatehgarh No. 1, Fatehgarh No. 9, Khera No. 17 and Sarchur No. 25, were invalid and should not have been counted for the purposes of the result of the election. The votes cast at the first poll have already been excluded as invalid by the authorities concerned, without objection from any party. Hence the allegations in this behalf made in paragraphs 4 to 7 of the petition are not at issue between the parties. The allegations contained in paragraphs 8 to 10 are to the effect that the repoll was also against law, but no grounds have been given, which would show that it was contrary to law. Hence we have no material before us to enable us to proceed further to enquire into the alleged illegality of their poll. Subsection (1) of Section 83 of the Representation of the People Act, 1951, lays down:

"An election petition shall contain a concise statement of the material facts on which the petitioner relies". Such statement of material facts is absent in this case. The object of pleadings is to ascertain the points on which the parties agree and

those on which they differ, and thus to bring the parties to a definite issue. The rules of pleadings compel the parties to lay bare their cases before the commencement of the actual trial so that the opposite party may not be taken by surprise and may be prepared beforehand to meet the points raised against it. Paragraphs 4 to 10 of the petition, in our view, consist of a mass of irrelevant matter and vague and indefinite statements, couched in equivocal language. The respondent No. 1 must, therefore, be in dark as to the exact line of attack, which the petitioner proposes to take in regard to the vague allegations of illegality of the poll. Extensive powers have been given to civil courts to strike out pleadings or to order their amendment. When the pleadings are vague, the courts have also powers to order further and better particulars. But under the Representation of the People Act, 1951, in cases of non-compliance with sub-section (1) of Section 83 of the Representation of People Act 1951, it seems to us, we have no power other than to strike out the offending portions of an election petition. Accordingly we ordered on 6th December, 1952, that the questions raised in paragraphs 4 to 10 of the petition shall not be determined, and we find no ground for review of that order.

The learned counsel for the petitioner has urged that this Tribunal has inherent powers to review its orders. In support of this view, he has quoted observations of the learned Commissioners in Cases; *Amritsar Central Sikh* (Doabia's I.E.C. Vol. I, page 332) and *North West Gurgaon Mohammadan* (Doabia's I.E.C. Vol. II page 332). The observations in these cases seem to follow the general principle that every court, in the absence of express provisions for that purpose, shall be deemed to possess, as inherent in its very constitution, all such powers as are necessary to do the right and undo a wrong in the ends of justice. The inherent power of a Court to act *ex debito justitiae* is well recognized. In *Narsingh Dass Versus Mangal Dubey* [(83) 5 All 163 (172) (F.B).] it was observed by Mahmood J: "Courts are not to act upon the principle that every procedure is to be taken as prohibited unless it is expressly provided for by the Code, but on the converse principle that every procedure is to be understood as permissible till it is shown to be prohibited by the law. As a matter of general principle prohibitions cannot be presumed". The learned counsel for respondent No. 1, however, urged that a prohibition on our inherent powers has been imposed by Section 105 of the Representation of the People Act, 1951, which runs as under: "Every order of the Tribunal made under this Act shall be final and conclusive". He urged that our order of 6th December, 1952, is final and conclusive even for us and we are not competent to review it. This view, if accepted, may lead to great hardship in genuine cases where rectification of errors apparent on the face of the record seems called for, particularly as no appeal or revision is competent from the order of an Election Tribunal. But in view of our above finding that there exists no ground of review in this case, the question is only of academic importance for us and we give no decision thereon, leaving it to the legislature to resolve doubts on the point, if so advised.

The review application is hereby rejected.

Announced.

CAMP AMRITSAR,
The 5th February, 1953.

(Sd.) M. S. PANNUN, Member.

I agree.

CAMP AMRITSAR,
The 5th February, 1953.

(Sd.) CHHAJU RAM, Member.

I agree.

CAMP AMRITSAR,
The 5th February, 1953.

(Sd.) SHAMSHER BAHADUR, Chairman.

[No. 19/194/52-Elec.III/11954]

By order,

P. R. KRISHNAMURTHY, Asstt. Secy.

